

## REMARKS

Claims 1, 17, 40, and 43 are amended, and claims 6, 11, 21, 25, 30-32, 36, 39, and 42 have been previously cancelled. Thus, claims 1-5, 7-10, 12-20, 22-24, 26-29, 33-35, 37, 38, 40, 41, and 43-47 are pending in the present application. The claim amendments are supported by the specification and claims of the present application, with no new matter being added. Accordingly, favorable reconsideration of the pending claims is respectfully requested.

### 1. Double Patenting

Claims 29, 33-35, 37, 38, and 44-47 have been provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 63 and 64 of copending U.S. Application Serial No. 10/021,532 for the reasons set forth on pages 2-3 of the Office Action.

Applicants have submitted a terminal disclaimer herewith to overcome the double patenting rejection of claims 29, 33-35, 37, 38, and 44-47. Accordingly, Applicants request that the double patenting rejection of the claims be withdrawn.

### 2. Rejections Under 35 U.S.C. § 112

Claims 1-5, 7-10, 12-20, 22-24, 26-28, 40, 41 and 43 have been rejected under 35 U.S.C. § 112, first paragraph, for failing to comply with the enablement requirement, for the reasons stated on pages 3-4 of the Office Action. Applicants respectfully traverse.

The Office Action indicated that the recitation of a copolymer of a hydrophobic monomer, polymer, or material and a hydrophilic monomer, polymer, or material in independent claims 1, 17, 40, and 43 is unclear, since no reference was found in the specification as to what

the recited “material” may be. In response, Applicants have deleted the term “material” from this limitation in claims 1, 17, 40, and 43.

Applicants therefore respectfully request that the rejection of claims 1-5, 7-10, 12-20, 22-24, 26-28, 40, 41 and 43 under 35 U.S.C. § 112, first paragraph, be withdrawn.

3. Rejections Under 35 U.S.C. § 103

Claims 1-5, 7-23, 26-31, and 36-38 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,754,754 to Garito et al. (hereafter “*Garito*”) in view of U.S. Patent No. 6,132,427 to Jones et al. (hereafter “*Jones*”) and further in view of U.S. Patent No. 5,295,978 to Fan et al. (hereafter “*Fan*”) for the reasons set forth on pages 4-10 of the Office Action. Applicants respectfully traverse.

Claims 1 and 17 have been amended to recite that the multi-character material comprises a “block copolymer of a hydrophobic monomer or polymer, and a hydrophilic monomer or polymer.” Support for this limitation is found in the specification on page 14, paragraph [045]. Independent claims 40 and 43 now recite similar “block copolymer” limitations. There is no teaching or suggestion in any of the cited references of such a block copolymer feature.

Applicants note that *Fan* was cited for teaching water-soluble polymer coatings on medical devices. The Examiner states on page 11 of the Office Action that *Fan* discloses “the coating comprising a hydrophilic solvent (material) and a hydrophobic solvent (material).” Nevertheless, such mixtures of solvent materials do not correspond to the recited “block copolymer of a hydrophobic monomer or polymer, and a hydrophilic monomer or polymer” as recited in claims 1, 17, 40, and 43.

It is well known by those skilled in the art that block copolymers have different alternating chemical units on the same polymeric chain, which in the presently claimed invention include a hydrophobic monomer or polymer and a hydrophilic monomer or polymer. While *Fan* discloses that copolymers containing water-insoluble units and carboxylic acid units can be mixed with homopolymers to form a hydrophilic coating (*see* col. 6, ll. 30-32), there is no teaching or suggestion that a “block copolymer” can be used in the coating of *Fan*.

Thus, even if the teachings of *Fan* are combined with the teachings of *Garito* and *Jones*, the presently claimed invention would not be achieved. Accordingly, claims 1, 17, 40, and 43 would not have been obvious over the cited references. The remaining rejected claims depend from a respective one of claims 1, 17, or 40, and thus include the limitations of the respective independent claims. Hence, these dependent claims would not have been obvious over the cited references for at least the same reasons as discussed above for claims 1, 17, and 40.

Applicants therefore respectfully request that the rejection of the claims under 35 U.S.C. § 103(a) be withdrawn.

#### 4. Allowable Subject Matter

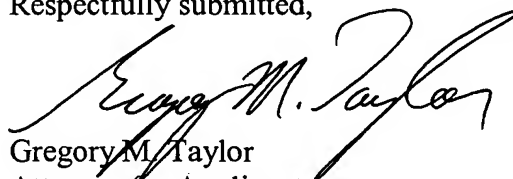
The Examiner indicated that claims 29, 33-38, and 44-47 would be distinct over the prior art once a terminal disclaimer is filed. Since Applicants have filed a terminal disclaimer with the present response, these claims should now be allowable.

### CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of the present claims. In the event there remains any impediment to allowance of the application, which could be clarified in a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney.

Dated this 2<sup>nd</sup> day of August 2004.

Respectfully submitted,



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